

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

DESIREE V. MAYES

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*

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v.

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Civil No. – JFM-13-3086

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BOARD OF EDUCATION OF PRINCE
GEORGE'S COUNTY

MEMORANDUM

Plaintiff has instituted this *pro se* action for employment discrimination. Defendant, the Board of Education of Prince George's County has filed a motion to dismiss. Plaintiff has filed an opposition to the motion, and the motion is fully briefed. The motion will be granted.

There are at least five reasons that plaintiff has failed to state any viable claim.

1. Plaintiff asserts claims under Title VI and Title IX. The two-year statute of limitations applies to such claims. *See Moore v. Greenwood School Dist.* No. 52, 195 Fed. App'x 140 (4th Cir. 2006); *Martin v. Clemson Univ.*, 654 F. Supp. 2d 410, 420-21 (D.S.C. 2009). This action was filed on July 15, 2013. Therefore, any claims arising on or before July 15, 2011 are time-barred.

2. Plaintiff's claims are primarily based upon sexual orientation. Title VI and Title IX do not apply to such claims.

3. To the extent that plaintiff asserts a claim for hostile work environment after July 15, 2011, her claim is barred by the fact that she was not at work but on leave from November 2010 to January 17, 2013.

4. Plaintiff has not alleged any causal connection between any acts taken by defendant after July 15, 2011 and any alleged discrimination against her. The time between any alleged act of discrimination and the termination of plaintiff's employment was at least ten months, and the Fourth Circuit has held that a ten month gap between any protected activity engaged in by a plaintiff and an adverse action is too long to establish causation, absent other evidence of discrimination. *See Pepper v. Precision Valve Corp.*, 2013 EL 2451090, at *2 (4th Cir. June 7, 2013). Plaintiff has presented no other evidence of discrimination.

5. To the extent that plaintiff bases any claim upon her ill health, claims based upon health are no actionable under Title VI or Title IX.

A separate order of dismissal is being entered herewith.

Date: November 26, 2013

/s/
J. Frederick Motz
United States District Judge